



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

PERSONAL AUDIO, LLC,

*Plaintiff,*

v.

FUHU, INC.,

*Defendant.*

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CIVIL ACTION No. 1-13-CV-513

JUDGE RON CLARK

**SCHEDULING ORDER**

The court, after considering the joint attorney conference report and after reviewing the case file, enters this case specific order, which controls disposition of this action pending further order of the court. The following actions shall be completed by the date indicated.<sup>1</sup>

September 26, 2014

P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.

October 3, 2014

Deadline to add parties.

October 17, 2014

Deadline to amend pleading without leave of the court. An amended that adds a new patent in suit will need leave of the court.

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<sup>1</sup> If a deadline falls on a Saturday, Sunday, or legal holiday as defined in Fed. R. Civ. P. 6, the effective date is the first federal court business day following the deadline imposed.

November 3, 2014	Privilege Logs to be exchanged by parties (or a letter to the court stating that there are no disputes as to claims of privileged documents).
November 3, 2014	P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To extend not already required to be disclosed, exchange Mandatory Disclosures other than information directed solely towards damages.
November 21, 2014	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).
November 17, 2014	Response to amended pleadings.
December 19, 2014	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2).
January 19, 2015	Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
February 16, 2015	Completion date for discovery on claim construction (P.R. 4-4).
February 26, 2015	Opening claim construction brief (P.R.4-5(a)).
March 16, 2015	Responsive claim construction brief (P.R. 4-5(b)).
March 26, 2015	Submit technology synopsis (both hard copy and disk).
April 9, 2015	Reply claim construction brief (P.R. 4-5(c)).
April 14, 2015	Parties to file joint claim construction and chart (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
April 23, 2015	Claim construction hearing at 10:00 am, in Beaumont, Texas.

June 9, 2015

Provide Initial Mandatory Disclosures of information directed solely to damages.

Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations, and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or that Patent Rules, nor an excuse to delay disclosure of information. It is a catchall deadline for provision of all remaining information that may be relevant to a claim or defense of any party at trial.

June 19, 2015

Comply with P.R. 3-7 on designation of willfulness opinions.

July 2, 2015

Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(2)(B).

August 3, 2015

Parties designate expert witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B).

Objections to any expert, including Daubert motions, shall be filed within 3 weeks of the Expert Report disclosure. Such objections and motions are limited to ten pages.

August 13, 2015

Discovery deadline. All discovery must be served in time to be completed by this date.

August 13, 2015

Deadline to file dispositive motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rules CV-7.

Responses to motions shall be due in accordance with Local Rule CV-7(e).

August 13, 2015

Deadline to file Daubert motions.

Note: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.

November 20, 2015

Notice of intent to offer certified records.

November 20, 2015

Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (see Local Rule CV-16(b) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases)).

December 4, 2015

Video Deposition Designations due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the court's rulings on objections.

December 11, 2015

Motions in limine due.

File Joint Final Pretrial Order (see Local Rules Appendix D (obtain form for Exhibit List from District Clerk's Office, or create an Exhibit List form that mirrors the District Clerk's form)). Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.

December 18, 2015

Responses to motions in limine due

File objections to witnesses, depositions extracts, and exhibits, listed in pre-trial order. This does not extend the deadline to object to expert witnesses. If numerous objections are filed the court may set a hearing prior to docket call.

File Proposed Jury Instructions and Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).

January 7, 2016

Final Pretrial at 9:00 am, in Beaumont, Texas.

The parties should be prepared to try the case on this date. Provide the court with two copies of the most updated Exhibit List. Absent agreement of the parties, this should not have exhibits that were not listed in the Final Pretrial Order, but may be some deletions depending on rulings on objections. At this date, the parties should be prepared to give the Deputy Clerk one hard copy of the exhibits.

January 11, 2016

Jury selections and trial at 9:00 am, in Beaumont, Texas.

So **ORDERED** and **SIGNED** on April 11, 2014.



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Ron Clark, United States District Judge